

REMARKS

As a result of this amendment Claim 18 has been canceled. Claims 11-15, 20-21 have been amended. Claims 11-17, 19-21 are now pending. No new matter has been added by way of amendment.

The Abstract

The Examiner has indicated that the application does not contain the required abstract. It is unclear from the Office Action if the abstract is missing, or if present, it has not met the required format. Because Applicants' records show 64 pages were submitted and the abstract was on page 64, Applicants attorney respectfully requests clarification.

The Claim Rejections

Claims 11-14, 16-21 have been rejected under 35 USC 112, second paragraph.

Applicants believe the amendments to the claims address the issues raised by the Examiner in paragraphs 1, 2 and 3.

Withdrawal of the 35 USC 112, second paragraph rejection is therefore respectfully requested.

Claims 11-21 have been rejected under 35 USC 112, first paragraph.

It is believed the present claims as amended addressed the issue in paragraph 1. Regarding paragraph 2, while not agreeing with the propriety of the rejection and solely to advance prosecution in the case, the present claims have been amended to a narrower scope. Applicants believe that the instant claims are enabled for the full scope of the claims and are therefore in compliance with 35 USC 112, first paragraph.

Withdrawal of the 35 USC 112, first paragraph rejection is therefore respectfully requested.

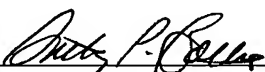
Claims 11-14 and 16-21 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over
copending application serial no. 10/168,486.

While not agreeing with the propriety of the rejection and solely to advance prosecution in the case, the present claims have been amended to the Ra heteroaryl being monocyclic as suggested by the Examiner.

Withdrawal of the rejection is therefore respectfully requested.

Certificate of Mailing Under 37 C.F.R. § 1.8(a)

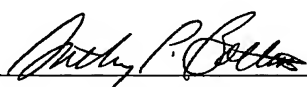
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Dated

Respectfully submitted,



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